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U.S. Department of Homeland Security  
20 Mass. Ave., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

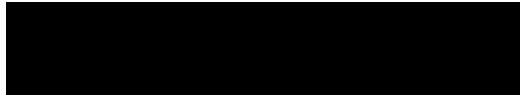


D7

NOV 23 2004

FILE: EAC 99 031 51845 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner:  
Beneficiary:



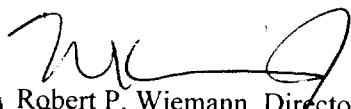
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

IN BEHALF OF PETITIONER:

SELF REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a New York corporation that claims to be the subsidiary company of [REDACTED] Commercial located in China. It seeks authorization to extend the employment of the beneficiary temporarily in the United States as president. On November 18, 1998, the director issued a notice of intent to deny. The director stated the reason for the notice of intent to deny was that the documentation submitted in support of the L-1A petition and the I-140 immigrant petition submitted for the beneficiary did not clearly establish that the beneficiary's position has been and will be primarily managerial or executive in nature. The petitioner was granted an opportunity in which to submit any evidence that would overcome the grounds of denial. On January 26, 1999 the director issued a decision denying the petition and stated that the petitioner did not submit any further evidence and did not respond to CIS' notice. The director stated that the petitioner filed an appeal with a statement that additional evidence would be submitted. The director also noted that the appeal was filed while the petition was still pending, therefore the appeal was not considered properly filed and the appeal and filing fee were returned to the petitioner.

On the Form I-290B the petitioner stated "[i]n the past twqo [sic] years our business is truly much successful as our tax payment evidenced and submitted previously." The petitioner stated it would submit additional evidence with the Form I-290B. As of this date, more than four years later, the AAO has received nothing further in support of the appeal. The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically and erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal is summarily dismissed.

**ORDER:** The appeal is summarily dismissed.